Enhancing Innovation and Promoting Trust

BSA'S ARTIFICIAL INTELLIGENCE POLICY AGENDA

Artificial intelligence (AI)-enabled software innovation is helping businesses in every sector of the economy leverage the value of data to drive digital transformation. From manufacturers that use AI to design more innovative and sustainable products to small businesses that rely on automated translation capabilities to grow their global customer base, AI is creating new opportunities to solve complex challenges. BSA members are at the forefront of the responsible development of AI, providing trusted software solutions that enable their enterprise customers to harness the power of AI to improve their product offerings and enhance their competitiveness.

Tremendous advances in AI are quickly transforming expectations about how the technology may reshape the world. But unlocking the full potential of AI requires a dynamic and flexible policy framework that spurs responsible AI innovation.

BSA'S AI AGENDA FOCUSES ON FIVE KEY POLICY PILLARS:

1 Building Confidence and Trust in AI Systems

2 Sound Data Innovation Policies

3 Cybersecurity and Privacy Protections

4 Research and Development

5 Fostering a Dynamic AI Workforce

Building Confidence and Trust in AI Systems

AI is transforming how we live and work. But the success of AI products and services in the years to come will be based on public trust and confidence in the technologies that are driving today's digital economy. To earn that trust, organizations that develop and use AI must do so responsibly and in a manner that accounts for the unique opportunities and risks the technology poses. Because AI plays an increasingly important role in our daily lives, policymakers can enhance public confidence and trust by establishing a legal and regulatory environment that supports responsible innovation.

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» **Requiring Impact Assessments for High-Risk AI Systems.** An impact assessment is an accountability mechanism that promotes trust by demonstrating a system has been designed in a manner that accounts for potential risks it may pose to the public. By establishing a process for personnel to document key design choices and their underlying rationale, impact assessments enable organizations that develop or deploy high-risk AI to identify and mitigate risks that can emerge throughout a system's lifecycle.

> When AI is used in contexts that implicate civil rights or access to important life opportunities, the public should be assured that such systems have been thoroughly vetted by companies and will be continuously monitored to account for the risks associated with unintended bias. BSA recently published *Confronting Bias: BSA's Framework to Build Trust in AI* to outline a comprehensive methodology for performing impact assessments to manage these risks.

» **Developing Risk Management Tools.** Risk management frameworks and tools developed in collaboration with stakeholders across the AI ecosystem can help drive consensus around processes for identifying, measuring, mitigating, and communicating about AI risks. BSA strongly supports the National Institute of Standards and Technology's (NIST) ongoing effort to develop an AI Risk Management Framework that will enhance organizational AI governance. BSA also supports NIST efforts to develop standardized testing frameworks and benchmarks to evaluate the performance of AI systems across operational domains.

» **Ensuring Civil Rights Protections Are Fit for Purpose in the Digital Age.** BSA supports the Administration's effort to develop an AI Bill of Rights. As digital technologies are increasingly used to make decisions that affect important aspects of daily life, from hiring to housing and lending, longstanding civil and consumer rights protections must remain robustly enforceable. To ensure legal protections are keeping pace with evolving technologies, agencies should conduct comprehensive reviews of existing protections and enforcement authorities to determine whether they need to be updated to address AI development or use or if resource constraints currently impede enforcement efforts.

» **Pursuing Policy Interoperability.** The global nature of today's technology ecosystem demands coordinated policy responses. The US should work with key international partners to develop a shared vision for a risk-based regulatory approach for addressing common AI challenges and advancing norms around responsible AI governance. The US should likewise pursue a more clearly

defined federal approach to AI policy challenges to prevent the emergence of a patchwork of potentially conflicting state-level requirements

> As the European Union moves towards enactment of the AI Act—the world's first comprehensive regulatory framework for high-risk AI—the importance of maintaining transatlantic policy interoperability will take on added significance. Developing a US-based policy approach centered on impact assessments for high-risk AI systems can serve as a helpful mechanism for spurring innovation and maintaining transatlantic interoperability. As the global hub for AI development, the US should seize the opportunity to help shape global norms by offering a thoughtful approach to AI policy.

Sound Data Innovation Policies

The exponential increase in data, combined with increases in remote computing power and development of more sophisticated algorithms, has fueled progress in machine learning and AI. Capitalizing on these developments to facilitate continued advances in AI requires sound data innovation policies.

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» **Facilitating Global Data Flows.** Data transfers are integral to every stage of the AI life cycle, from the development of predictive models to the deployment and use of AI systems. The data used in AI systems often originates from many geographically dispersed sources, making it imperative that data can move freely across borders. Rules that unnecessarily limit cross-border data transfers invariably limit the insights and other benefits that AI systems can provide.

» **Promoting Sensible Copyright Flexibilities.** US copyright laws afford essential protections for creators while providing critical limitations and exceptions that facilitate innovative and emerging technologies. The US should encourage the international adoption of copyright exceptions to ensure that companies and researchers have the flexibility needed to engage in text and data mining, data analytics, and machine learning on any content to which they have lawful access.

» **Enhancing Open Government Data.** To build on the success of the OPEN Government Data Act, Congress should establish a federal commission that would bring together experts from the government, industry, academic, and public interest communities to examine what government data assets would be most useful to the public and how the government itself can better use data and data technology.

» **Appointing a Federal Chief Data Officer.** The Administration should appoint a federal Chief Data Officer (CDO) to oversee data governance across the federal government and ensure that data resources can be leveraged across departments. A federal CDO would provide a consistent approach to data governance that will maximize the strategic value of data resources.

Cybersecurity and Privacy Protections

The data-intensive nature of AI makes cybersecurity and privacy protections vital. Responsible AI innovation must be built on a solid foundation of data governance that prioritizes the security of user data and aligns with the public's expectation about how their personal information will be used. Consumers deserve transparency, clarity, and confidence in how their data is used and protected, and consumer expectations should be backstopped by strong legal obligations on companies that collect and/or process sensitive data.

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» **Enacting Comprehensive Privacy Legislation.** Congress should pass comprehensive privacy legislation that establishes strong consumer rights in their data, imposes strong obligations on companies that handle that data, and is backed by strong enforcement at the federal and state level.

» **Developing Risk-Based Cybersecurity Approaches.** BSA's Framework for Software Security outlines a flexible, outcome-focused approach for managing the integrity of complex systems through best practices that are mapped to international standards. BSA's position paper on Building a More Effective Strategy for ICT Supply Chain Security sets forth a holistic and sustainable set of policies for managing interconnected risks.

» **Leveraging the Security Benefits of AI.** Organizations should leverage automation to improve cybersecurity by, for example, enabling cybersecurity experts to more effectively focus on high-value tasks.

Research and Development

Government research and development (R&D) creates a virtuous circle that spurs technological innovation that can drive long-term economic growth. US investments in R&D have been critical to the development of fundamental technologies, from the microprocessor to the internet, that have helped launch entire new industries and establish America as the hub for global innovation. Strategic investment in education, research, and technological development will be integral to maintaining US leadership in the development of AI technologies.

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» **Growing Federal Investments in AI R&D.** The US National Security Strategy recognizes that increased federal funding for R&D is essential to sparking innovation, growing high-paying jobs, ensuring economic competitiveness, and maintaining America's historical scientific and technological edge. Congress and the Administration must work together to develop and fund a long-term federal AI R&D strategy to meet these objectives.

» **Resourcing NIST.** As a research organization and lead US delegate for the development of international standards, NIST's contribution to US technological competitiveness cannot be overstated. Funding for NIST must be prioritized and commensurate to its growing workload, including its efforts around AI risk management.

» **Leveraging Public-Private Collaboration and University Partnerships.** Recent efforts to establish shared resources for advanced AI research, such as the National AI Research Resource (NAIRR), offer a path for leveraging the unique capabilities of the public, private, and academic sectors. By providing AI researchers with access to computational resources and high-quality data, the NAIRR has the potential to democratize and enhance America's AI capabilities. The long-term success of the NAIRR can be enhanced by encouraging and enabling research partnerships between universities and the public and private sectors.

Fostering a Dynamic Workforce

From retail to manufacturing, AI is supercharging the pace of digital transformation across industries. By making companies more dynamic and competitive, AI is helping to generate new jobs across industry sectors. The US must not only ensure it has the STEM talent needed to develop and drive these innovations, it must also prepare the broader workforce for a future in which virtually every job will involve an increased interaction with AI and other technologies. Both the government and the private sector have important roles to play in preparing the next generation to use AI tools for the jobs of the future and helping the current workforce transition successfully into the new job environment.

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» **Enhanced Sharing of Real-Time Labor Data.** A public-private partnership that improves the availability of real-time labor data would benefit the entire workforce ecosystem. Enhanced access to real-time labor data could provide employers and workers with better visibility into the skillsets that are most in-demand in their markets, allowing them to make informed choices about the types of reskilling efforts that will generate the most opportunity. Real-time labor data would also improve the efficacy of federal, state, and local employment strategies, program development, and resource allocation to address rapidly evolving workforce challenges.

» **Expanding Workforce Retraining and Alternative Pathways.** Not all "AI jobs" will require coding or data science expertise. Industry and government should invest in programs to support the creation of alternative paths to AI careers that enable workers to develop high-demand technology skills without the need for a bachelor's or graduate degree. Programs like apprenticeships, partnerships with community colleges, "boot camps," and public service opportunities are all important gateways helping new and mid-career workers develop in-demand digital skills.

» **Improving Access and Support for STEM Education.** Broadening opportunities, improving training programs, and expediting the development of a diverse workforce is needed to help people take advantage of the numerous opportunities available to and demand for skilled STEM workers.

» **Promoting Responsible Immigration Policy.** Efforts to improve education and training opportunities for the US workforce will not entirely close the gap between available technology-related jobs and qualified workers. Policies that facilitate, not unduly restrict, access to foreign talent should be prioritized.